

REMARKS***Summary of the Response***

By the present response, claims 12, 14, 16, 18, 20, 21, 22, 27, 29 and 30 have been amended and claims 11 and 23 have been canceled. Accordingly, claims 12 – 22 and 24 – 31 remain pending. Reconsideration of the rejected claims in view of the following remarks is respectfully requested.

Summary of the Office Action

In the instant Office Action, the Examiner has rejected claims 11, 14 – 18, 20 – 22 and 24 – 31 over the art of record, allowed claims 12, 13 and 19 and objected to claim 23. By the present remarks, Applicant submits that the rejections have been overcome, and respectfully requests reconsideration of the outstanding Office Action and allowance of the present application.

Allowable Subject Matter

Applicant appreciates the indication that claims 12, 13 and 19 are allowed. Additionally, Applicant appreciates the indication that claim 23 would be allowable if rewritten into independent form including all of the limitations of the base claim and any intervening claims. By the present amendment, Applicant has amended claim 12 to address minor typographical errors. Additionally, Applicant has canceled claim 11 and amended claims 14, 16, 18, 20, 21 and 27 to depend from allowable claim 12. Furthermore, Applicant has canceled claim 23 and incorporated the features of claim 23 (with changes to address minor typographical errors) into claim 22. Additionally, Applicant has amended claim 29 to depend from claim 22, so as to not

duplicate currently amended claim 27. Moreover, Applicant has amended claim 30 to depend from allowable claim 12. Accordingly, Applicant submits that all pending claims should be in condition for allowance.

Traversal of Rejection Under 35 U.S.C. § 102(b)

1. Claims 11, 14, 15, 18, 20, 22, 24, 25, 30 and 31 Over GROVES

Applicant submits the rejection of claims 11, 14, 15, 18, 20, 22, 24, 25, 30 and 31 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 3,367,142 issued to Groves et al. [hereinafter GROVES] is moot.

While not agreeing that the above-noted claims are anticipated by GROVES, in an effort to advance prosecution, Applicant has canceled claim 11, amended claim 22 to incorporate the allowable features of claim 23, and amended claim 30 to depend from allowable claim 12. Thus, Applicant submits the rejection of claims 11, 22 and 30 has been rendered moot. Moreover, Applicant expressly reserves the right to refile the subject matter of the claims as previously presented in one or more continuing applications.

With respect to previously presented dependent claims 14, 15, 18, 20, 24, 25 and 31, Applicant submits that these claims now depend (directly or indirectly) from one of allowable claims 12 and 22. As such, these claims are allowable based upon the allowability of the independent claims, and because these claims recite additional subject matter to further define the instant invention.

Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of claims 11, 14, 15, 18, 20, 22, 24, 25, 30 and 31 under 35 U.S.C. § 102(b) and indicate that claims 14, 15, 18, 20, 22, 24, 25, 30 and 31 are allowable.

2. Claims 11, 14, 15, 18, 20, 30 and 31 Over POWELL

Applicant submits the rejection of claims 11, 14, 15, 18, 20, 30 and 31 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 3,364,768 issued to Powell [hereinafter POWELL] is moot.

While not agreeing that the above-noted claims are anticipated by POWELL, in an effort to advance prosecution, Applicant has canceled claim 11 and amended claim 30 to depend from allowable claim 12. Thus, Applicant submits the rejection of previously presented independent claims 11 and 30 has been rendered moot. Moreover, Applicant expressly reserves the right to refile the subject matter of the claims as previously presented in one or more continuing applications.

With respect to previously presented dependent claims 14, 15, 18, 20 and 31, Applicant submits that these claims now depend (directly or indirectly) from one of allowable claims 12 and 22. As such, these claims are allowable based upon the allowability of the independent claims, and because these claims recite additional subject matter to further define the instant invention.

Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of claims 11, 14, 15, 18, 20, 30 and 31 under 35 U.S.C. § 102(b) and indicate that claims 14, 15, 18, 20, 30 and 31 are allowable.

Traversal of Rejection Under 35 U.S.C. § 103(a)

1. Dependent Claims 16, 17, 21 and 26 Over GROVES

Applicant submits the rejection of claims 16, 17, 21 and 26 under 35 U.S.C. § 103(a) as being unpatentable over GROVES is moot.

While not agreeing that any of the above-noted claims are unpatentable over the above-cited document, in an effort to advance prosecution, claims 16, 17 and 21 have been amended to depend from allowed claim 12 and claim 26 depends from allowable claim 22 (by virtue of the incorporation of the features of allowable claim 23). Thus, Applicant respectfully submits that claims 16, 17, 21 and 26 depend from respective allowable independent claims, and are allowable based upon the allowability of the respective independent claims, and because these claims recite additional subject matter to further define the instant invention. Moreover, Applicant expressly reserves the right to refile the subject matter of the claims as previously presented in one or more continuing applications.

Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of claims 16, 17, 21 and 26 under 35 U.S.C. § 103(a) and indicate that these claims are allowable.

2. Dependent Claims 27 – 29 Over GROVES in view of FUKUKAWA

Applicant submits the rejection of claims 27 – 29 under 35 U.S.C. § 103(a) as being unpatentable over GROVES in view of U.S. Patent Publication 2002/0040835 issued to Fukukawa [hereinafter FUKUKAWA] is moot.

While not agreeing that any of the above-noted claims are unpatentable over any proper combination of the above-cited documents, in an effort to advance prosecution, claims 27 and 28

have been amended to depend from allowed claim 12 and claim 29 has been amended to depend from allowable claim 22 (by virtue of the incorporation of the features of allowable claim 23). Thus, Applicant respectfully submits that claims 27 – 29 are allowable for the reason that each of these claims depends from an allowable independent claim, and because each of these claims recite additional subject matter to further define the instant invention. Moreover, Applicant expressly reserves the right to refile the subject matter of the claims as previously presented in one or more continuing applications.

Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of claims 27 – 29 under 35 U.S.C. § 103(a) and indicate that claims 27 – 29 are allowable.

3. Dependent Claims 16, 17, 21 and 26 Over POWELL

Applicant submits the rejection of claims 16, 17, 21 and 26 under 35 U.S.C. § 103(a) as being unpatentable over POWELL is moot.

While not agreeing that any of the above-noted claims are unpatentable over the above-cited document, in an effort to advance prosecution, claims 16, 17 and 21 have been amended to depend from allowed claim 12 and claim 26 depends from allowable claim 22 (by virtue of the incorporation of the features of allowable claim 23). Thus, Applicant respectfully submits that claims 16, 17, 21 and 26 depend from respective allowable independent claims, and are allowable based upon the allowability of the respective independent claims, and because these claims recite additional subject matter to further define the instant invention. Moreover, Applicant expressly reserves the right to refile the subject matter of the claims as previously presented in one or more continuing applications.

Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of claims 16, 17, 21 and 26 under 35 U.S.C. § 103(a) and indicate that claims 16, 17, 21 and 26 are allowable.

4. Independent Claim 22 Over GROVES in view of POWELL

Applicant submits the rejection of claim 22 under 35 U.S.C. § 103(a) as being unpatentable over GROVES¹ in view of POWELL is moot.

While not agreeing that the above-noted claim is unpatentable over any proper combination of the above-cited documents, in an effort to advance prosecution, as discussed above, the features of allowable claim 23 have been incorporated into independent claim 22. As such, Applicants submit the rejection of claim 22 is rendered moot. Moreover, Applicant expressly reserves the right to refile the subject matter of the claim as previously presented in one or more continuing applications.

Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of claim 22 under 35 U.S.C. § 103(a) and indicate that claim 22 is allowable.

5. Dependent Claims 24 – 26 Over GROVES in view of POWELL

Applicant traverses the rejection of claims 24 – 26 under 35 U.S.C. § 103(a) as being unpatentable over GROVES in view of POWELL.

Applicant respectfully submits that claims 24 – 26 depend from an allowable independent claim, and are allowable based upon the allowability of the independent claim, and because these claims recite additional subject matter to further define the instant invention.

¹ Applicant notes the Examiner inadvertently misidentified Patent No. 3,367,142 as “Groove et al.”

Accordingly, for at least these reasons, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of claims 24 – 26 under 35 U.S.C. § 103(a) and indicate that claims 24 – 26 are allowable.

6. Dependent Claims 27 – 29 Over GROVES in view of POWELL and FUKUKAWA

Applicant submits the rejection of claims 27 – 29 under 35 U.S.C. § 103(a) as being unpatentable over GROVES in view of POWELL and FUKUKAWA is moot.

While not agreeing that any of the above-noted claims are unpatentable over any proper combination of the above-cited documents, in an effort to advance prosecution, claims 27 and 28 have been amended to depend from allowed claim 12 and claim 29 has been amended to depend from allowable claim 22 (by virtue of the incorporation of the features of allowable claim 23). Thus, Applicant respectfully submits that claims 27 – 29 are allowable for the reason that each of these claims depends from an allowable independent claim, and because each of these claims recite additional subject matter to further define the instant invention. Moreover, Applicant expressly reserves the right to refile the subject matter of the claims as previously presented in one or more continuing applications.

Accordingly, for at least these reasons, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of claims 27 – 29 under 35 U.S.C. § 103(a) and indicate that claims 27 – 29 are allowable.

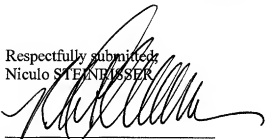
CONCLUSION

In view of the foregoing, it is submitted that none of the references of record, either taken alone or in any proper combination thereof, anticipate or render obvious the Applicant's invention, as recited in claims 12 - 22 and 24 - 31. The applied references of record have been discussed and distinguished, while significant claimed features of the present invention have been pointed out.

Accordingly, reconsideration of the outstanding Office Action and allowance of the present application and all of the claims therein are respectfully requested and now believed to be appropriate.

Should there be any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
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